

**A G E N D A**  
**RUSH COUNTY BOARD OF ZONING APPEALS**  
**Thursday, February 6, 2014**  
**6:30PM**

**ROLL CALL:**

**MINUTES:** January 2, 2014

**NEW BUSINESS:** None

1. Election of Officers (President, Vice-President, Secretary)

**SPECIAL EXCEPTIONS:**

1. Eric Duncan, 8700 N 1000 W, Carthage, is requesting a special exception for a home occupation for gunsmithing, zoned A-3; Agricultural, Regulated Livestock.

**VARIANCES:** None

**APPEALS:** None

**REVIEWS:** None

**OLD BUSINESS:** None

**AUDIENCE PARTICIPATION:**

**REPORTS:**

Attorney

Plan Consultant

Director

**ADJOURN:**

**RUSH COUNTY BOARD OF ZONING APPEALS**  
**Thursday, February 6, 2014**

**STAFF REPORT – 8700 N 1000 W, Carthage**

2. Eric Duncan, 8700 N 1000 W, Carthage, is requesting a special exception for a home occupation for gunsmithing, zoned A-3; Agricultural, Regulated Livestock.



**Surrounding Zoning Districts & Uses**

Zoning District		Property Use
<b>North:</b>	A-3; Agricultural, Regulated Livestock	Undeveloped/Agriculture
<b>South:</b>	A-3; Agricultural, Regulated Livestock	Residential/Agriculture
<b>East:</b>	A-3; Agricultural, Regulated Livestock	Undeveloped/Agriculture
<b>West:</b>	Hancock County – Agricultural Zone	Residential/Agriculture

### Petition Facts

1. The applicant is applying for a special exception to conduct a home occupation.
2. A home occupation is defined as “a service occupation conducted in a dwelling unit, but in which no goods are sold on the premises other than what is produced there”.
3. The home occupation will be primarily for gunsmithing and bluing.
4. The area is primarily agricultural with few houses in the vicinity and lies on the Rush/Hancock County border.
5. There are four homes located within a quarter mile radius of the proposed home occupation.

### CRITERIA FOR DECISIONS – SPECIAL EXCEPTION:

In taking action on all special exception requests, the Board of Zoning Appeals shall use the following decision criteria, consistent with the requirements outlined in Section 10.2 of the Rush County Zoning Ordinance. The Board may grant a special exception of this Ordinance if, after a public hearing, it makes findings of facts in writing (consistent with IC 36-7-4-918.2) that:

#### DECISION CRITERIA

**1. General Welfare:** The approval (will or will not) be injurious to the public health, safety, morals, and general welfare of the community.

#### *Staff Finding:*

The home occupation is not expected to increase traffic on surrounding roads and there is ample room on the property for on-site parking.

**2. Development Standards:** The requirements and development standards for the requested use as prescribed by the Zoning Ordinance (will or will not) be met.

- a. Restrictions of the zoning district have been followed.  
( Yes / No / Not Applicable )
- b. Ingress and Egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.  
( Yes / No / Not Applicable )
- c. Off-street parking and loading areas where required, with particular attention to the items in (b) above and the economic, noise, glare, or odor effects of the special exception on adjoining properties generally in the district.  
( Yes / No / Not Applicable )
- d. Refuse and service areas, with particular reference to the items in (1) and (2).  
( Yes / No / Not Applicable )
- e. Utilities, with reference to locations, availability and compatibility are available.  
( Yes / No / Not Applicable )
- f. Screening and buffering of objectionable or unsafe views, odors, noises, or vibrations, with reference to type, dimensions, and character.  
( Yes / No / Not Applicable )

- g. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district.  
( Yes / No / Not Applicable ) \*\*
- h. Required yards and other open space will be provided.  
( Yes / No / Not Applicable )

*Staff Finding:*

The home occupation should have little trouble meeting all of the applicable development standards listed. All of the needed utilities and infrastructure are in place and no additional building is needed. The only outstanding item is whether there will be a sign placed on site, but there are requirements listed in the Rush County Zoning Ordinance that limit signs in agricultural zones to twelve (12) square feet, non-flashing and not located beyond any lot line or in any way obstruct driver's vision.

**3. Ordinance Intent:** Granting the special exception (will or will not) be contrary to the general purposes served by the Zoning Ordinance, and (will or will not) permanently injure other property or uses in the same zoning district and vicinity.

*Staff Finding:*

The use of the residence for a home occupation is in line with the zoning ordinance. Additionally, the sparsely populated area should be little affected, if at all, by the home occupation.

**Staff Recommendation**

The proposed home occupation should fall in line with what would be acceptable in the A-3 zoning district, and is of a scale that should have little effect on surrounding properties. Staff opinion is that the use of the property for gunsmithing and bluing is an acceptable use for a home occupation. Therefore, Staff recommends ***approval*** of the special exception.

Submitted by Kevin Tolloty, AICP  
Executive Director, Rush County APC  
January 30, 2014